

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on the date shown below:

August 26, 2008  
David Saliwanchik  
David R. Saliwanchik, Patent Attorney

COMMUNICATION  
Examining Group 1657  
Patent Application  
Docket No. GJE-7169

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Laura J. Schuberg  
Art Unit : 1657  
Applicants : Christopher Robin Lowe *et al.*  
Serial No. : 10/520,323  
Conf. No. : 5107  
Filed : January 17, 2008  
For : Monitoring of Cells

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

COMMUNICATION

Sir:

Applicants submitted an unsigned Declaration under 37 CFR §1.131 with the Amendment of July 17, 2008. Attached herewith is the Declaration executed by inventors Christopher Robin Lowe and Colin Alexander Bennett Davidson on August 1, 2008. Attempts to contact Craig J.L. Gershater have been unsuccessful thus far, though we will continue to try to locate him.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants also invite the Examiner to call the undersigned if clarification is needed on any of this communication, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



David R. Saliwanchik  
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Gainesville, FL 32614-2950

DRS/la

Attachment: Declaration under 37 CFR §1.131, executed by C.R. Lowe and C.A.B. Davidson

Patent Application  
Docket No. GJE-7169  
Serial No. 10/520,323

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Laura Schuberg  
Art Unit : 1657  
Applicants : Christopher Robin Lowe, Craig J.L. Gershater, and Colin A.B. Davidson  
Serial No. : 10/345,532  
Conf. No. : 5107  
Filed : January 5, 2005  
For : Monitoring of Cells

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF CHRISTOPHER ROBIN LOWE, CRAIG J.L. GERSHATER, and COLIN  
ALEXANDER BENNETT DAVIDSON UNDER 37 CFR 1.131

Sir:

We, CHRISTOPHER ROBIN LOWE, CRAIG J.L. GERSHATER, and COLIN  
ALEXANDER BENNETT DAVIDSON hereby declare:

THAT, we are co-inventors of the technology described and claimed in U.S. patent  
application Serial No. 10/520,323;


Being thus duly qualified, do further declare as follows:

THAT, we conceived of the subject matter of the above-referenced invention prior to May 1,  
2002, as evidenced by the printouts of slides from an internal presentation given at a time prior to  
May 1, 2002, attached herewith as Exhibit A.

THAT, from a time prior to May 1, 2002, we worked diligently on this invention at least until  
the July 9, 2002 filing date of United Kingdom patent application No. 0215879.8, from which the  
subject application claims priority.

We hereby further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Further declarants sayeth naught.

By:   
Christopher Robin Lowe

01.08.08  
Date

By: \_\_\_\_\_  
Craig J.L. Gershater

\_\_\_\_\_  
Date

By:   
Colin Alexander Bennett Davidson

01.08.08  
Date

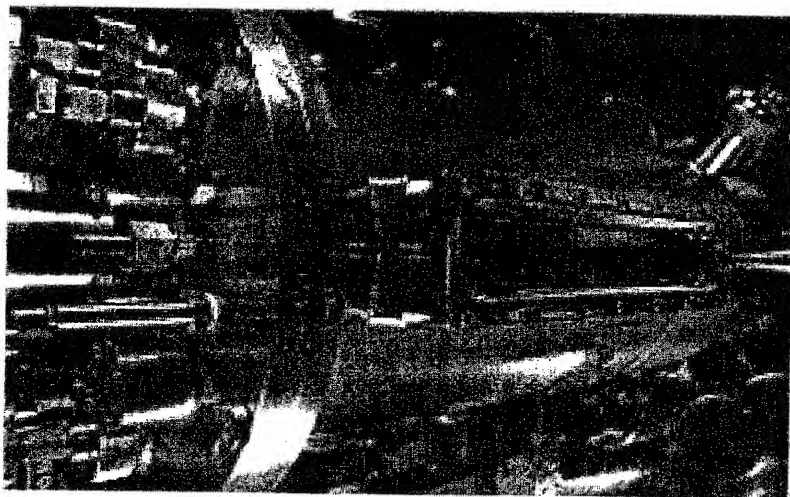
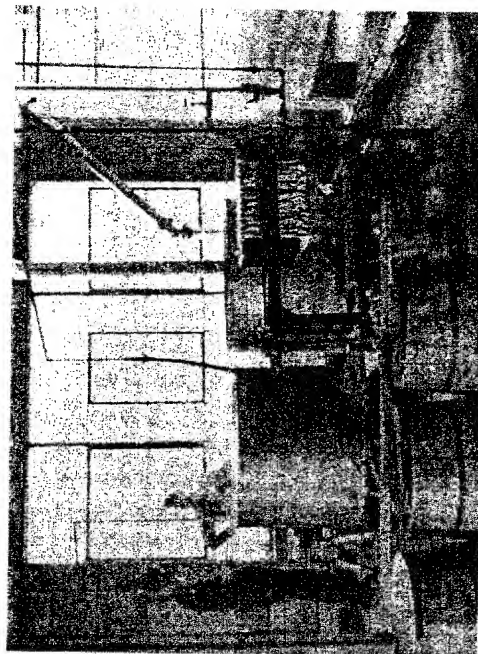
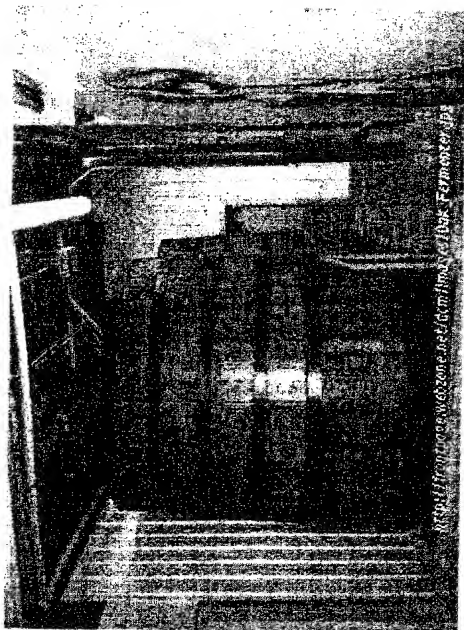
## EXHIBIT A

# FERMENTER ON A CHIP: EPISODE 1

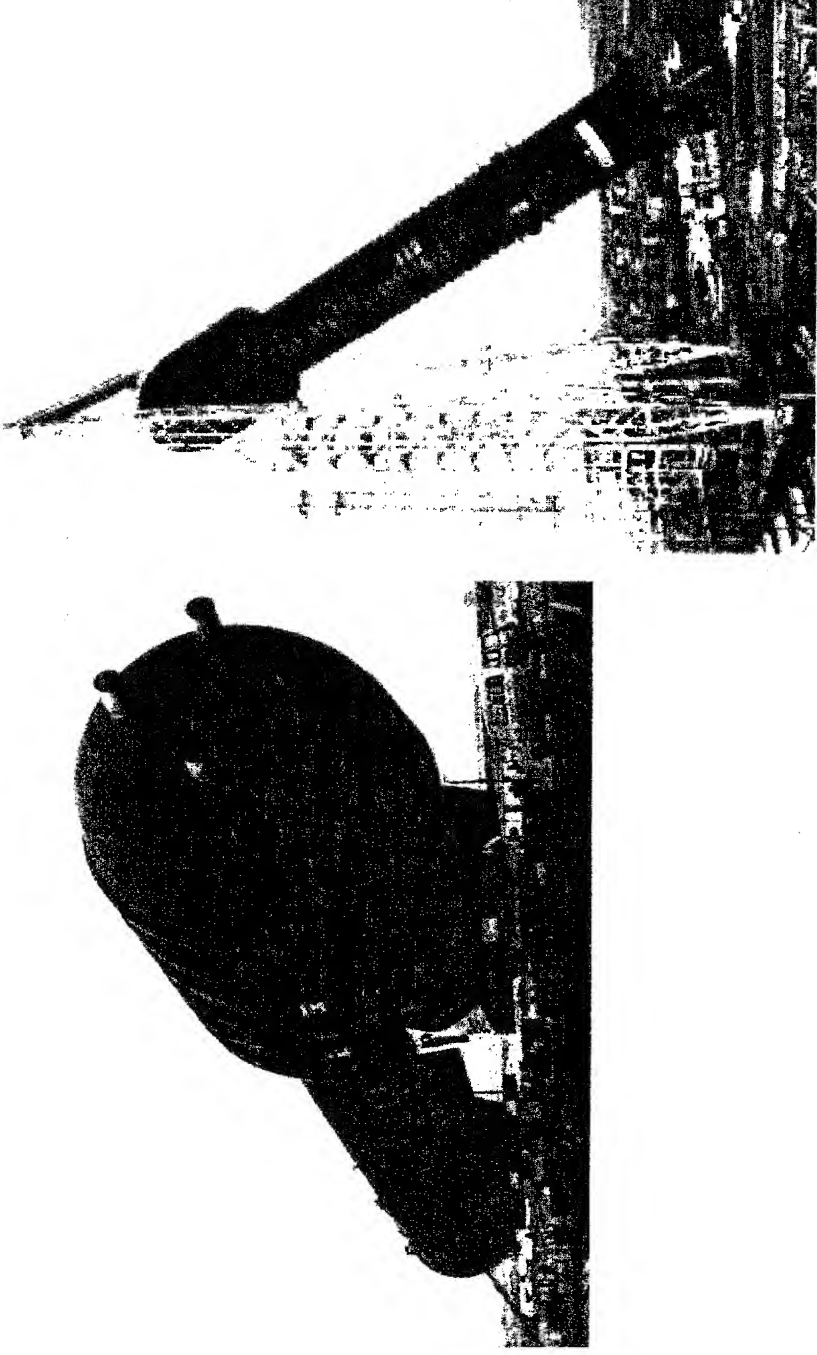
100-443887-100

ARMED WITH HIS 'LIGHT SENSOR' THE YOUNG SCIENTIST MOVES TO INTERCEPT THEIR PECKY PLANS BEFORE IT WAS TOO LATE. SWASHING THE PROBLEM OF PH SENSING, WALLOPING THE GOALS OF METABOLITE DETECTION, HE NOW TRAVELS TO THE DEPTHS OF THE DARK ROOM TO FACE HIS NEMESIS, DEARTH OXYGEN.

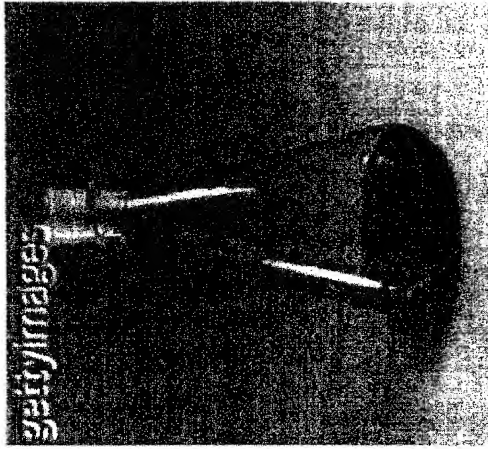
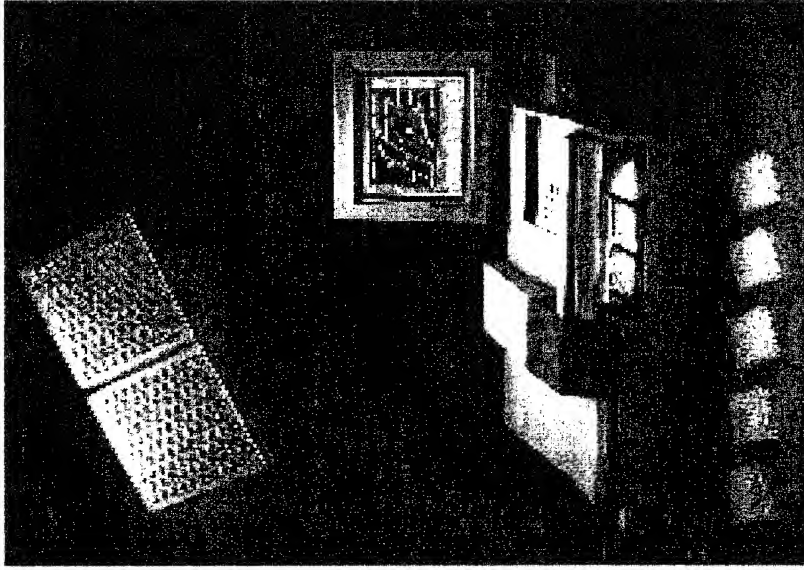
AND HE WOULD HAVE GOT AWAY  
WITH IT TOO IF IT WASN'T FOR THOSE  
PESKY BACTERIA...

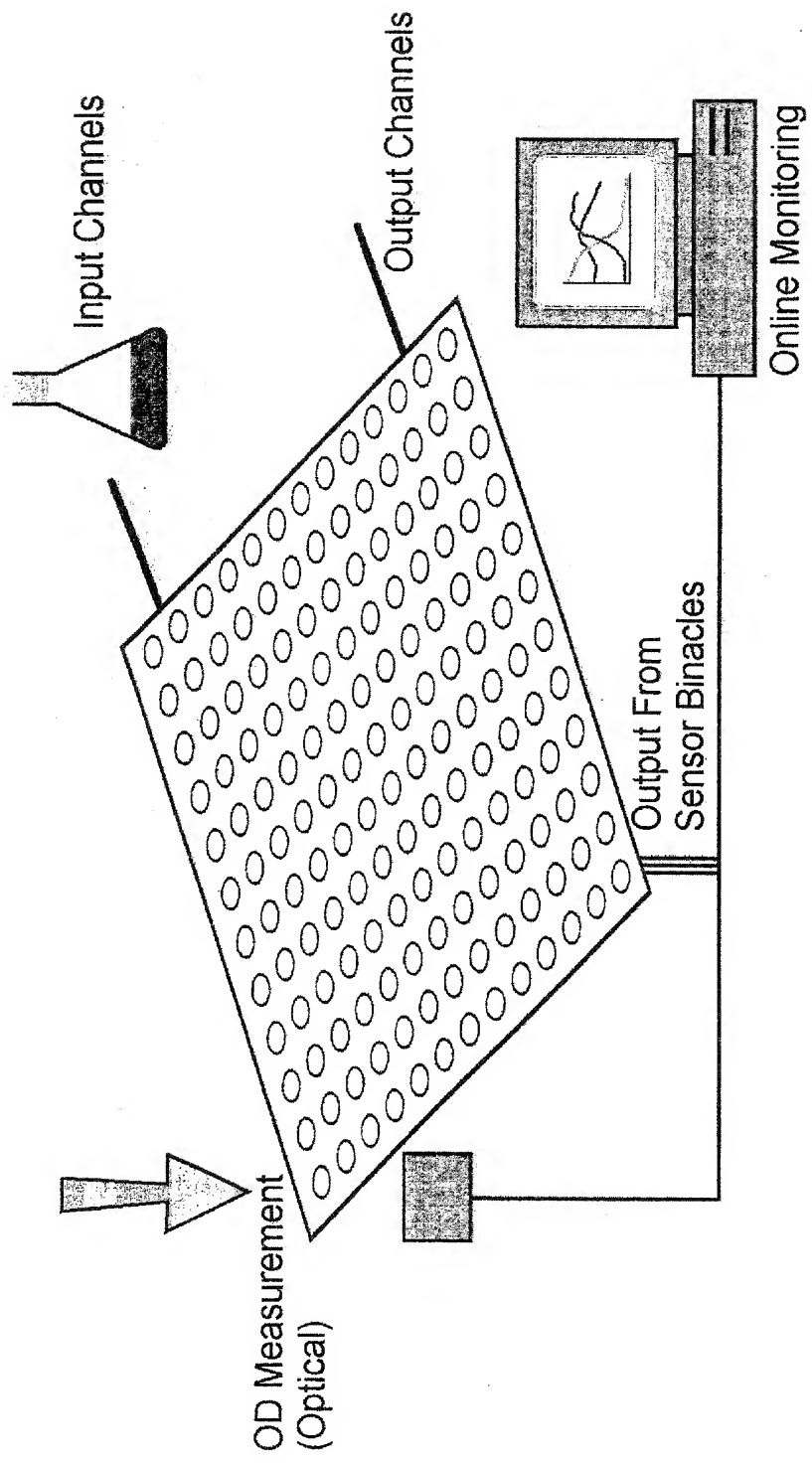


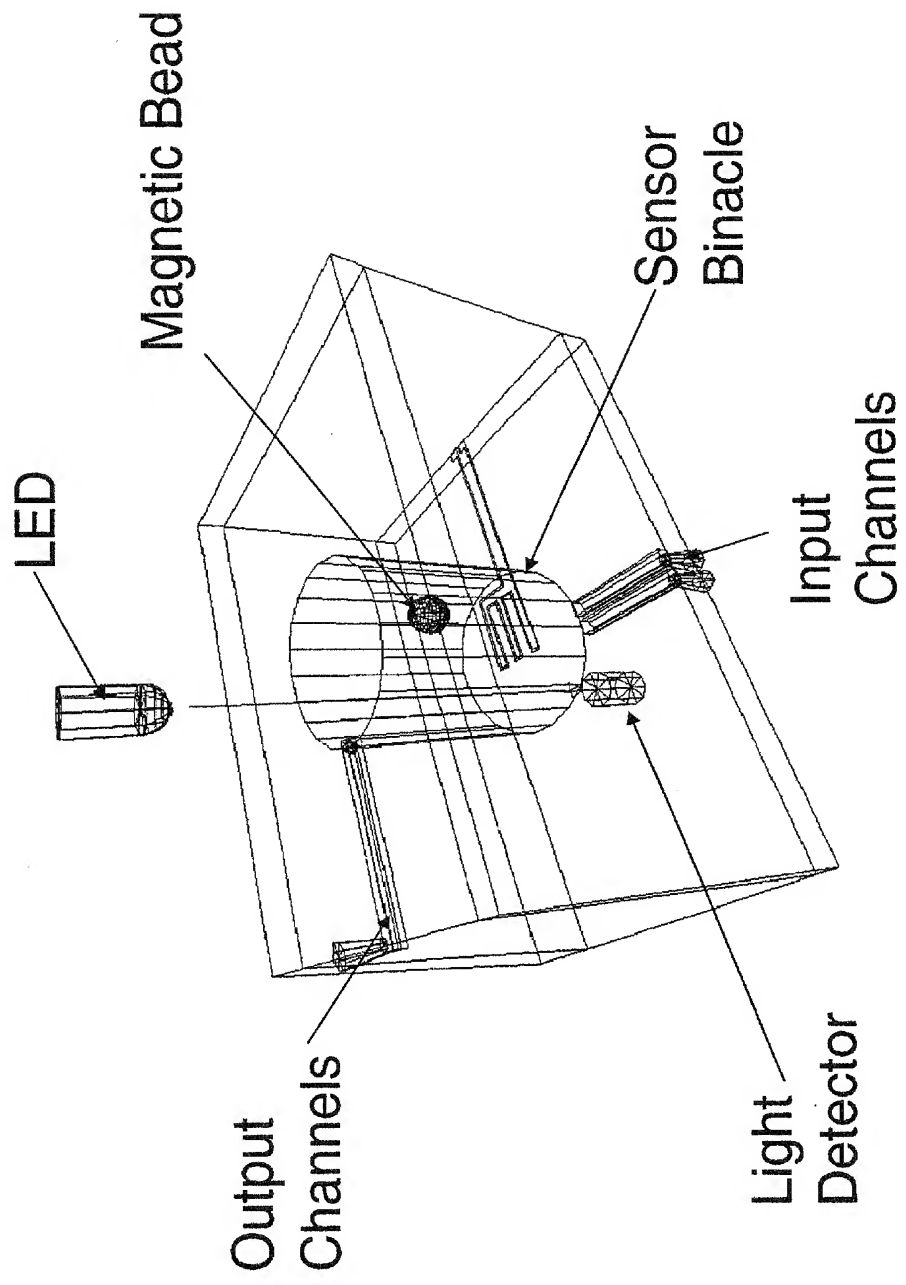
# Classic Fermentation Technology...

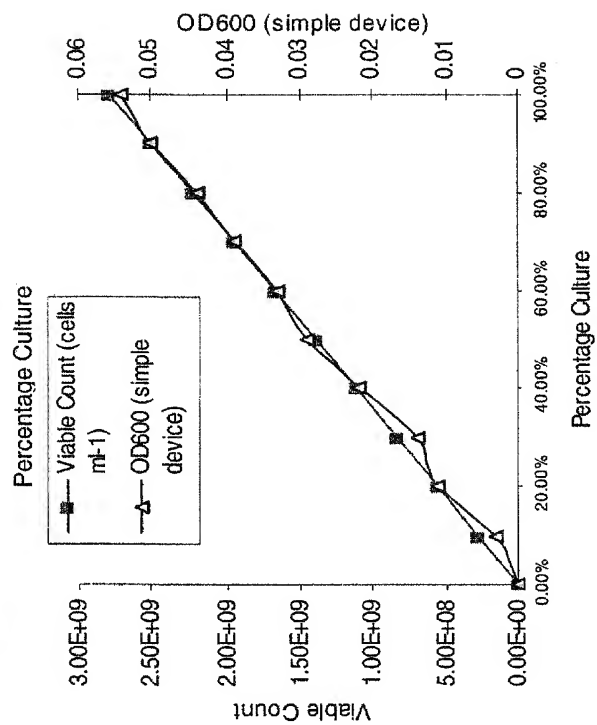
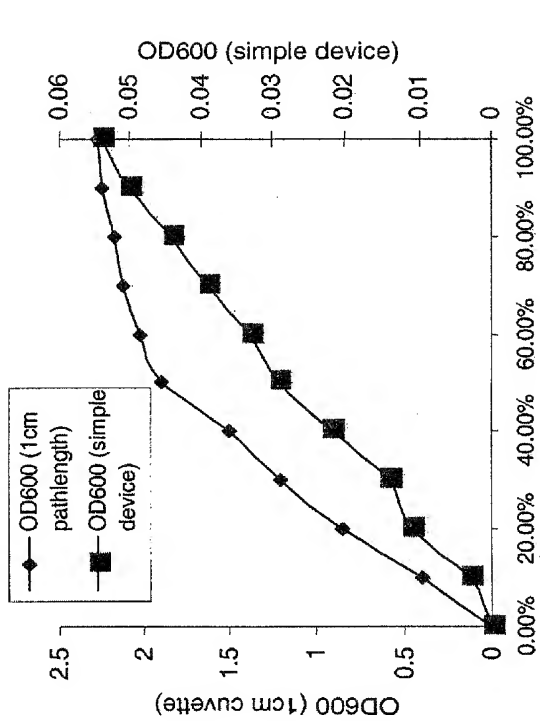


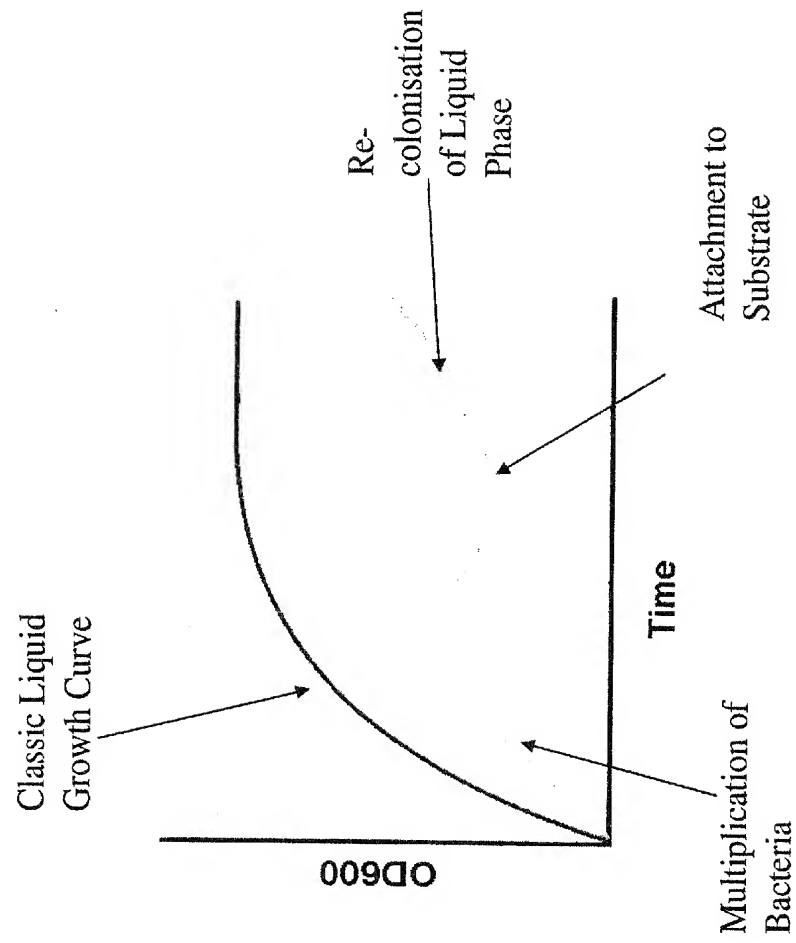
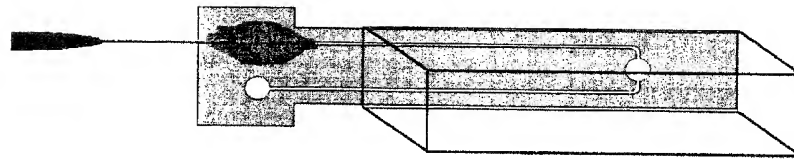
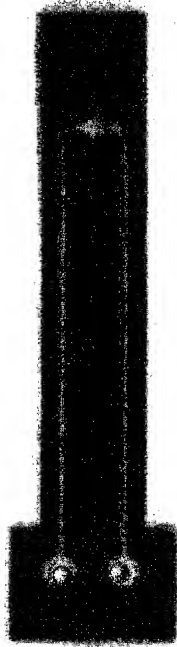










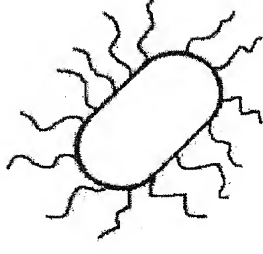


- Hydrophilicity

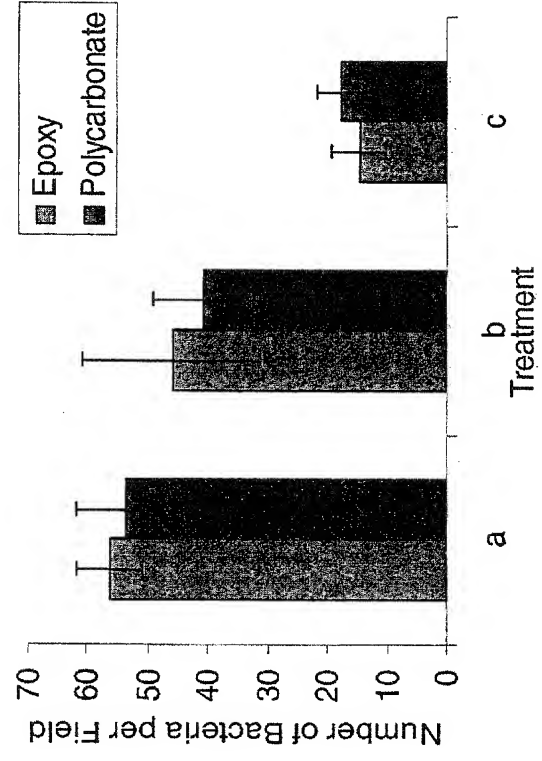
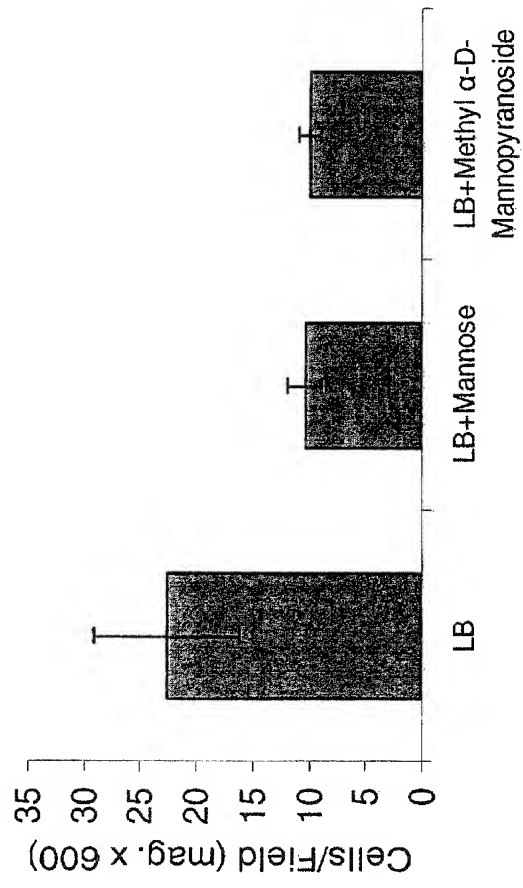
- Surface Energy

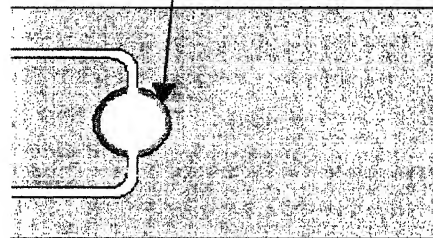
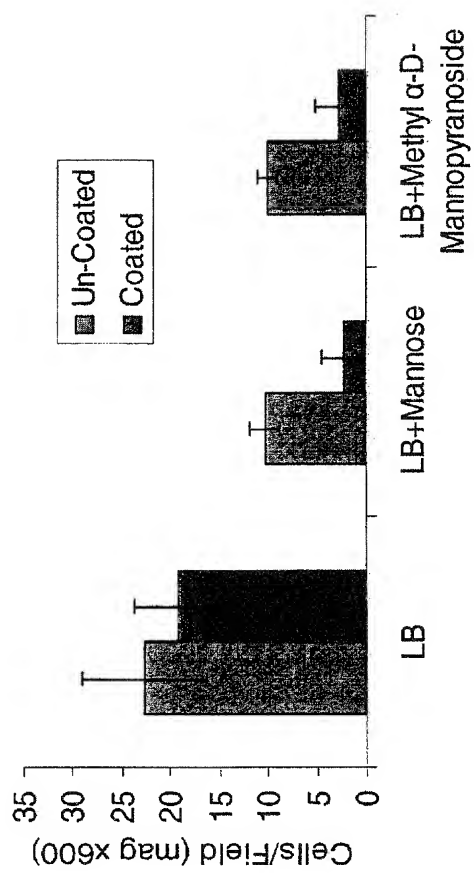
- Surface Smoothness

- Competition for Binding  
Sites



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**BUT** There was still some attachment in the area in contact with the epoxy, most likely due to the physical conditions found there...



